

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

TIFFANY WILSON,

Civil Action File No.

Plaintiff,

v.

WALMART, INC.,

Defendant.

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**NOTICE OF REMOVAL**

COMES NOW WALMART, INC., named Defendant in the above-captioned matter, by and through its counsel of record, within the time prescribed by law, and files this Notice of Removal, showing the Court as follows:

1.

The above-named Plaintiff filed suit against Defendant WALMART, INC. in the State Court of GWINNETT County, Georgia, which is within the Atlanta Division of this Court. 28 U.S.C.A. § 90 (a)(2). Said lawsuit is styled as above and is numbered as Civil Action File No. 21-C-05977-S2. Plaintiff's claims against Defendant include claims of negligence.

2.

Plaintiff filed the Complaint on or about August 11, 2021. Defendant WALMART, INC. received service of summons and a copy of the Complaint on August 17, 2021. Defendant WALMART, INC. files this notice of Removal within thirty (30) days after service of summons and a copy of this Complaint.

3.

Defendant Walmart, Inc. is a Delaware corporation with its principal place of business in the State of Arkansas. Defendant Walmart, Inc. was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of said lawsuit, or at any time thereafter. The principal place of business for Walmart, Inc. is 708 SW 8<sup>th</sup> Street, Bentonville, AR 72716.

4.

Tiffany Wilson is a citizen of the State of Georgia.

5.

Complete diversity of citizenship exists between Plaintiff and Defendant.

6.

Plaintiff claims injuries to her left knee, left groin area and lower abdomen pain due to the incident. On February 18, 2021, Plaintiff made a settlement demand to Defendant in the amount of \$350,000.00. A copy of the settlement

demand is attached as Exhibit “A”. In her Complaint in this action, Plaintiff claims past medical bills of approximately \$26,337.52 (Complaint, ¶ 32); lost wages of \$80,028.00 (Complaint, ¶ 33); travel expenses of \$1,124.52 (Complaint, ¶ 33), loss of future wage capacity of \$266,760 (Complaint, ¶ 34). Plaintiff’s demand, her complaint, and the supporting information and allegations meet the jurisdictional requirement for federal subject matter jurisdiction. See Lowery v. Alabama Power Co., 483 F.3d 1184, 1262 n.62 (11th Cir. 2007) (quoting 28 U.S.C. § 1446(b)); Addo v. Globe Life & Accident Ins. Co., 230 F.3d 759, 761–62 (5th Cir.2000); Williams v. Safeco Ins. Co., 74 F.Supp.2d 925, 929 (W.D.Mo.1999); Southern Ins. Co. of Virginia v. Karrer, Civil Action No. 3:10–CV–84 (CAR), 2011 Westlaw 1100030 (M.D.Ga. Mar. 22, 2011); Golden Apple Management Co. v. Geac Computers, Inc., 990 F.Supp. 1364, 1368 (M.D.Ala. 1998); Jackson v. Select Portfolio Servicing, 651 F.Supp.2d 1279, 1281 (S.D.Ala. 2009); Barlow v. Variety Wholesalers, Civil Action No. 5:14-CV-375 (WLS) (M.D.Ga. Dec. 17, 2014); Devezin v. Wal-Mart Stores East, LP, Civil Action No. 1:134-CV-3721 (CAP) (N.D.Ga February 20, 2015); Peterman v. Wal-Mart Stores, Civil Action No. 1:13-cv-91 (WLS), 2013 Westlaw 5210188 (M.D.Ga. Sept. 13, 2013); Farley v. Variety Wholesalers, Civil Action No. 5:13-CV-52 (CAR), 2013 Westlaw 1748608 (M.D.Ga. April 23, 2013); Streicher v. Sam’s East,

Inc., Civil Action File No. CV419-01(WTM) (S.D. Ga March 4, 2019). **The amount in controversy, exclusive of interest and costs, exceeds \$75,000.**

7.

This action is removable pursuant to 28 U.S.C. §§ 1332, 1441, based on complete diversity of citizenship between Plaintiff and Defendant.

8.

Pursuant to the provisions of 28 U.S.C. § 1446, Defendant has attached as Exhibit "B" copies of all the pleadings that were provided to and served upon Defendant, including copies of all pleadings that have been filed to date in the State Court of Gwinnett County, Georgia for the above-styled case.

9.

Pursuant to 28 U.S.C. § 1446, Defendant is not required to file a removal bond.

10.

Written notice of the filing of this Notice of Removal will be given to all parties as required by 28 U.S.C. § 1446.

11.

A true and correct copy of this Notice of Removal will be filed with the Clerk of the State Court of Gwinnett County, Georgia, as required by 28 U.S.C. § 1446.

WHEREFORE, Defendant WALMART, INC. prays that the above-captioned lawsuit be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

McLAIN & MERRITT, P.C.

/s/Ernest L. Beaton, IV  
Ernest L. Beaton, IV  
Georgia State Bar No. 213044  
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The undersigned counsel certifies that the foregoing Notice of Removal has been prepared with one of the font and point selections approved by the court in LR 5.1B.

/s/Ernest L. Beaton, IV  
Ernest L. Beaton, IV

**CERTIFICATE OF SERVICE**

This is to certify that on September 13, 2021, I electronically filed a **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to attorneys of record.

McLAIN & MERRITT, P.C.

/s/ Ernest L. Beaton, IV  
Ernest L. Beaton, IV  
Georgia State Bar No. 213044  
Attorneys for Defendant  
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